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Applicant and Inventor
Filing Date
Application Number
Group Art Unit
Supervisory Examiner
Postal Address

Ho Keung, TSE.

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09/112,276

2132

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Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Complaint Against Examiner Mr. Gilberto Barron Jr.

Dear Ms. Gail Hayes,

Following my previous fax "Urgent Enquiry about Complaint Against Examiner" of Jan. 13, 2003, I would like to draw your attention to the following facts which reveal Examiner Mr. Gilberto Barron Jr.'s attempts to conceal the patent office his mistakes in allowing a US patent 5719938 (Haas et al.), by not allowing the present application which should be allowable, as follows :

- 1) All claims 1-22 of the present application are under 103(a) rejection, unpatentable over Wiedemer in view of Haas et al. . "Haas et al. qualifies as prior art under 102(e)", as indicated by Examiner Mr. Gilberto Barron Jr. in his advisory action of Sept 30 2002, P.2, section 6, because the present application has a later filing date. So only the contents of Haas et als' claims become prior art, not the description.
- 2) In Haas et als' claims only claims 14,16 are relevant to the present application, but whether they are valid is highly questionable-both claims recite a method of "obtaining a credit card number from said predetermined user" and "causing said credit card number to be communicated to said predetermined user during said step of decrypting.... so as to discourage said predetermined user from sharing .. encryption key with a user to whom access is not permitted". Strictly speaking, the 2 claims is nonsense. The fact that claim 14 is a dependent claim of claim 1 but is numbered after another independent claim 11 shows that claim 14 and probably also claim 16 should not be originally filed, and as the description has no support for the 2 claims, they should not have been entered and allowed by the examiner.

- 3) On the other hand, Examiner Mr. Gilberto Barron Jr. turn to use Haas et als' description, as readable on column 5, lines 47-54, "a first deterrent ...flashing or displaying the credit card number of user i on the screen...make user i somewhat more reluctant to provide others with the interface program an key component Ki (a means for decrypting copyright software). Unfortunately, this is not claimed.
- 4) If you think that it is just because Examiner Mr. Gilberto Barron Jr. naturally tends to interpreted claims 14,16 of Haas et al. he allowed too broadly, then you must have to agree that **Examiner Mr. Gilberto Barron Jr. should not be involved in the examination of the present application, and this is respectfully requested.**
- 5) The case is not just so simple, many claims of the present application are being rejected with actually no grounds. For instance, claim 21 recites "verifying identity of a user of a processing apparatus, by checking validity status of a user account, without causing payment be made, before providing user access to functionality of the processing apparatus which not related to the validity status". **There is no prior art at all** but according to Examiner Mr. Gilberto Barron Jr. is not allowable and under the same 103(a) rejection because in Haas et al., column 3 lines 55-60, "the user i transmits ...his credit card number (for billing purposes)". Other claims 16 18, 20 also has similar situations.
- 6) Is the work of Supervisory Examiner Mr. Gilberto Barron Jr. being supervised by anyone ? and Who ?
- 7) I am also contacting the China Patent Office for assistance, as they are examining a patent application of mine for the same invention and is going to allow it. As you may know, the China Patent Office is acting according to international treaty to grant hundreds of thousands of patents to foreigners including US citizens & companies each year with no discrimination. If the Chinese people find that other nation Patent Office is not playing fair, they must retaliate with no hesitation. They always do this.

With regards,

Ho Keung, Tse.

